

# ***Berryessa Business Association (BBA)***

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Panera Bread  
Thursday, May 19, 2011  
9:00 a.m. – 10:30 a.m.

## **MEETING NOTES**

### **1. Introduction**

- Start: 9:05 a.m.
- Attendees:
  - Tyler Shewey, Berliner Cohen
  - John Luong, Royal Cleaners
  - Del Broberg, California Senior Cares
  - David Liem, Berryessa Pure Water
  - Chuck Mondave, Versant Business Team, Inc.
  - Bob Stewart, Coldwell Bank – The Real Estate People
  - Larry Whitcomb, Lawrence Whitcomb Photography
  - Poonam Gupta, Fantastic Sams Hair Salon
  - Vijay Kumar, Kamal Spice House
  - Steve Sturken, Sturken Automotive
  - Frank Cancilla, Keller Williams Realty
  - Faye Luong, Living Room Acupuncture
  - Dat On, Living Room Acupuncture
  - Hobbie Cao, Living Room Acupuncture
  - Mike Flaughner, Berryessa Citizens Advisory Council
  - Rose Whitcomb, North Valley Community Association
  - Bill Hughes, Berryessa Citizens Advisory Council
  - Linda Locke, Berryessa Citizens Advisory Council
  - Ty Graves, Berryessa Citizens Advisory Council
  - Sharon Ngo-Tran, City of San José – Office of Economic Development – Work2Future
- Council Staff:
  - Stephanie Fong, District Director
  - Anh Tran, Council Assistant

### **2. Mike Flaughner – Review of Last Meeting**

- Flaughner made a presentation about the last meeting. No one had questions and the last meeting notes were accepted by the group.

### **3. Tyler Shewey – The Legal Element of Business**

- Tyler Shewey attended Piedmont Middle School, Independence High School, University of Los Angeles, University of Pennsylvania Law School, and New York University School of Law. He now works as a Business and Tax Attorney at Berliner Cohen.
- Shewey clarified the different business entities:

- Sole proprietor: an individual who owns an unincorporated business by himself/herself.
- Partnership: a relationship where two or more persons join together to carry on a trade or business. Each person contributes money, property, labor or skill, and expects to share in the profits and losses of the business.
- Corporation: a relationship where prospective shareholders exchange money, property, or both, for the corporation's capital stock. Profits are taxed to the corporation when earned and then taxed to the shareholders when distributed as dividends.
- S corporation: a corporation, meeting certain criteria, that elects to be treated as an S corporation. Generally an S corporation is exempt from income tax; the shareholders report the S corporation's income, deductions, loss and credits on their individual tax returns.
- Limited Liability Corporation: statutorily authorized in certain states, that is characterized by limited liability for debts similar to that of a corporation, management by members or managers, and pass-through taxation similar to that of a partnership.
- *Gupta*: When you sign a new lease, what types of liabilities should you be aware of? In this economic condition, rent still goes up 2-3%. What could be helpful to keep a good rate?
  - *Shewey*: For commercial property, it is all about location. It might be difficult but everything is negotiable.
  - *Sturken*: Going as a group to negotiate terms is stronger than going alone. Contracts are negotiable and do not assume landlords are not open to talk about it.
  - *F. Luong*: Lots of people also bring in lawyers.
- *Shewey* noted that with businesses suffering and with sales going down, there are no new businesses in the area and landlords are much more inclined to talk to tenants.
- *Shewey* spoke about sales and use tax in California and in the City of San Jose. He briefly talked about worker classification for employees and independent contractors. There are many legal obligations business owners should be aware of. Everything is subject to different taxes.
- To contact *Shewey*, please email [tyler.shewey@berliner.com](mailto:tyler.shewey@berliner.com).

#### **4. Fave Luong – May Feature Business – Living Room Acupuncture**

- *Luong's* business offers community style acupuncture with a sliding payment scale. Each session is affordable and the treatments are effective.
- There is a special session for senior residents at \$15 per session on Monday, Wednesday, and Friday from 4:00 p.m. to 8:00 p.m. This is led by *On*.
- *Cao* is the newest acupuncturists. There are also Spanish speakers and the staff can refer the community to local herbalists.
- Business location: 1630 Oakland Road, A110, San Jose, CA 95131

#### **5. Public Comment and Questions**

- *Flaughter*: future topics for BBA:
  - Lease issues
  - When is it a good time to switch entities?
  - Pitfalls and loopholes for small businesses

- Development updates in the Berryessa area
- *Ngo-Tran*: Will look into resources the Office of Economic Development may have to help small businesses talk to their landlords about their lease.
- *Ngo-Tran*: Growing Your Business with Social Media will be on Thursday, June 23, 2011 from 7:00 a.m. to 12:00 p.m. at the San Jose City Hall Rotunda. See attached flyer or <http://businessownerspace.com/page/1974>.
- *Hughes*: May 23, 2011 at the Mayfair Community Center from 6:00 p.m. to 9:00 p.m. for the redistricting meeting.
- *Flaughter*: Next speaker for BCAC:
  - Fantastic Sams Hair Salon
  - Living Room Acupuncture
  - Sturken Automotive
  - Keller Williams Realty
- *Gupta*: Would like to see BBA host an evening meeting. Fantastic Sams Hair Salon has been in service for two years. It is a full service salon for all family members. It offers excellent quality service at an affordable value. The staffs are all from the Berryessa area and all are multilingual speakers.
- *Flaughter*: I would like to see “Shop Berryessa” signage on poles.
- *Gupta*: I have an issue about signage in my plaza. I don’t know if it is the City’s policy or the landlord’s policy.
- Next Meeting: July 21, 2011 from 9:00 a.m. to 10:30 a.m. Please bring a friend.

## **6. Adjourn – 10:27 a.m.**

*For more details, contact Anh Tran.*